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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/213,169

12/17/1998

JOHN R. FREDLUND

78685F-P

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1333 7590 04/19/2007
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EXAMINER

FRIDIE JR, WILLMON

ART UNIT

PAPER NUMBER

3722

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary

Application No.

09/213,169

Applicant(s)

FREDLUND ET AL.

Examiner

Willmon Fridie

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 and 40-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 and 40-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1,7,12,13,19,23-25,29,34,35,40,43,44,46,50-52,57,58,62 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manico et al. ('692) in view of Shiota..

Manico et al. Discloses an album leaf comprising a plurality of images (15-19 and 21-25), first and second sides (12,14) having a retaining means for holding the memory images and plurality of openings (28). Manico et al lacks the disclosure of first and second icons for identifying first and second sources of the memory images on the photographic sheets. Shiota discloses a photographic sheet comprising an icon (64) with an image ID (65) inside the silhouette (60a,61a). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Manico et

al. With an identifying icon with identification numbers which correspond to the images on the album leaf as taught by Shiota in order to categorize the content and provide more information on the images. To provide a second icon would have been obvious to a skilled artisan, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. V Bemis Co.*, 193USPQ8.

4. Claims 2-6,14-18,26-28,30,36,41-45 and 53-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manico in view of Shiota as applied to claims above, and further in view of Manico et al. ('870).

Manico et al. As modified by Shiota discloses the claimed invention except for an origination ID being associated with at least one of the plurality of images which indicates the first source. Manico et al. ('870) teaches that it is well known in the art to use a photographic sheet comprising an origination ID.. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Manico et al. As modified by Shiota with an origination ID inside the silhouette as taught Manico et al ('870) to indicate the identification images and the location of the images on the photographic sheet.

5. Claims 8,20,31,37 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manico ('692) in view of Shiota as applied to claims above, and further in view of Wemer.

Manico ('692) as modified by Shiota discloses the claimed invention except for a film cartridge containing a strip of photographic film wherein the cartridge has an ID number.

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Werner teaches that it is well known in the art to use an apparatus for storing a film cartridge (23). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Manico('692) as modified by Shiota with a film cartridge on a photographic sheet in the manner as taught by Werner et al. So that the film cartridge can be kept together with corresponding images for later use. Further, Official Notice is taken of the use of ID numbers on a film cartridge. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use ID numbers on a film cartridge since the use of such is old and well known in the art. 6. Claims 9/10/21/22/32/33/48/49/60 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manico ('692) in view of Shiota as applied to claims above, and further in view of Combs.

Combs discloses a CD ROM holder comprising a CD ROM (10) on the photographic sheet. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Manico ('692) as modified by Shiota with a CD Rom and holder in order to increase the storage capacity of the assembly. Further, Official Notice is taken of the use of ID numbers on a CD ROM holder. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use ID numbers on a CD ROM holder since the use of such is old and well known in the art.

Response to Arguments

In response to Applicant's argument that that the images used originate from more than one source, the examiner submits that it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not

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differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ 1647 (1987).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willmon Fridie whose telephone number is 571 272 4476. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MONICA CARTER can be reached on 571 272 4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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WILLMON FRIDIE, JR.
PRIMARY EXAMINER